

107TH CONGRESS  
2D SESSION

# S. 2776

To provide for the protection of archaeological sites in the Galisteo Basin  
in New Mexico, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 2002

Mr. BINGAMAN introduced the following bill; which was read twice and  
referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the protection of archaeological sites in the  
Galisteo Basin in New Mexico, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Galisteo Basin Archae-  
5       ological Sites Protection Act”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—The Congress finds that—

8               (1) the Galisteo Basin and surrounding area of  
9       New Mexico is the location of many well preserved

1 prehistoric and historic archaeological resources of  
 2 Native American and Spanish colonial cultures;

3 (2) these resources include the largest ruins of  
 4 Pueblo Indian settlements in the United States,  
 5 spectacular examples of Native American rock art,  
 6 and ruins of Spanish colonial settlements; and

7 (3) these resources are being threatened by nat-  
 8 ural causes, urban development, vandalism, and un-  
 9 controlled excavations.

10 (b) PURPOSE.—The purpose of this Act is to provide  
 11 for the preservation, protection, and interpretation of the  
 12 nationally significant archaeological resources in the  
 13 Galisteo Basin in New Mexico.

14 **SEC. 3. ESTABLISHMENT OF GALISTEO BASIN ARCHAEO-**  
 15 **LOGICAL PROTECTION SITES.**

16 (a) IN GENERAL.—The following archaeological sites  
 17 located in the Galisteo Basin in the State of New Mexico,  
 18 totaling approximately 4,591 acres, are hereby designated  
 19 as Galisteo Basin Archaeological Protection Sites:

<b>Name</b>	<b>Acres</b>
Arroyo Hondo Pueblo .....	21
Burnt Corn Pueblo .....	110
Chamisa Locita Pueblo .....	16
Comanche Gap Petroglyphs .....	764
Espinoso Ridge Site .....	160
La Cienega Pueblo & Petroglyphs .....	126
La Cienega Pithouse Village .....	179
La Cieneguilla Petroglyphs/Camino Real Site .....	531
La Cieneguilla Pueblo .....	11
Lamy Pueblo .....	30
Lamy Junction Site .....	80
Las Huertas .....	44
Pa'ako Pueblo .....	29

<b>Name</b>	<b>Acres</b>
Petroglyph Hill .....	130
Pueblo Blanco .....	878
Pueblo Colorado .....	120
Pueblo Galisteo/Las Madres .....	133
Pueblo Largo .....	60
Pueblo She .....	120
Rote Chert Quarry .....	5
San Cristobal Pueblo .....	520
San Lazaro Pueblo .....	360
San Marcos Pueblo .....	152
Upper Arroyo Hondo Pueblo .....	12
Total Acreage .....	4,591

(b) AVAILABILITY OF MAPS.—The archaeological protection sites listed in subsection (b) are generally depicted on a series of 19 maps entitled “Galisteo Basin Archaeological Protection Sites” and dated July, 2002. The Secretary shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments to the archaeological protection sites by publishing notice thereof in the Federal Register.

#### **SEC. 4. ADDITIONAL SITES.**

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as “Secretary”) shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

1           (2) submit to Congress, within three years after  
2           the date funds become available and thereafter as  
3           needed, recommendations for additions to, deletions  
4           from, and modifications of the boundaries of the list  
5           of archaeological protection sites in section 3 of this  
6           Act.

7           (b) ADDITIONS ONLY BY STATUTE.—Additions to or  
8           deletions from the list in section 3 shall be made only by  
9           an Act of Congress.

10 **SEC. 5. ADMINISTRATION.**

11           (a) IN GENERAL.—

12           (1) The Secretary shall administer archae-  
13           ological protection sites located on Federal land in  
14           accordance with the provisions of this Act, the Ar-  
15           chaeological Resources Protection Act of 1979 (16  
16           U.S.C. 470aa et seq.), the Native American Graves  
17           Protection and Repatriation Act (25 U.S.C. 3001 et  
18           seq.), and other applicable laws in a manner that  
19           will protect, preserve, and maintain the archae-  
20           ological resources and provide for research thereon.

21           (2) The Secretary shall have no authority to ad-  
22           minister archaeological protection sites which are on  
23           non-Federal lands except to the extent provided for  
24           in a cooperative agreement entered into between the  
25           Secretary and the landowner.

1           (3) Nothing in this Act shall be construed to  
2       extend the authorities of the Archaeological Re-  
3       sources Protection Act of 1979 or the Native Amer-  
4       ican Graves Protection and Repatriation Act to pri-  
5       vate lands which are designated as an archaeological  
6       protection site.

7       (b) MANAGEMENT PLAN.—

8           (1) IN GENERAL.—Within three complete fiscal  
9       years after the date funds are made available, the  
10      Secretary shall prepare and transmit to the Com-  
11      mittee on Energy and Natural Resources of the  
12      United States Senate and the Committee on Natural  
13      Resources of the United States House of Represent-  
14      atives, a general management plan for the identifica-  
15      tion, research, protection, and public interpretation  
16      of—

17                (A) the archaeological protection sites lo-  
18      cated on Federal land; and

19                (B) for sites on State or private lands for  
20      which the Secretary has entered into coopera-  
21      tive agreements pursuant to section 6 of this  
22      Act.

23           (2) CONSULTATION.—The general management  
24      plan shall be developed by the Secretary in consulta-  
25      tion with the Governor of New Mexico, the New

1 Mexico State Land Commissioner, affected Native  
2 American pueblos, and other interested parties.

3 **SEC. 6. COOPERATIVE AGREEMENTS.**

4 The Secretary is authorized to enter into cooperative  
5 agreements with owners of non-Federal lands with regard  
6 to an archaeological protection site, or portion thereof, lo-  
7 cated on their property. The purpose of such an agreement  
8 shall be to enable the Secretary to assist with the protec-  
9 tion, preservation, maintenance, and administration of the  
10 archaeological resources and associated lands. Where ap-  
11 propriate, a cooperative agreement may also provide for  
12 public interpretation of the site.

13 **SEC. 7. ACQUISITIONS.**

14 (a) IN GENERAL.—The Secretary is authorized to ac-  
15 quire lands and interests therein within the boundaries of  
16 the archaeological protection sites, including access there-  
17 to, by donation, by purchase with donated or appropriated  
18 funds, or by exchange.

19 (b) CONSENT OF OWNER REQUIRED.—The Secretary  
20 may only acquire lands or interests therein within the con-  
21 sent of the owner thereof.

22 (c) STATE LANDS.—The Secretary may acquire lands  
23 or interests therein owned by the State of New Mexico  
24 or a political subdivision thereof only by donation or ex-

1 change, except that State trust lands may only be acquired  
2 by exchange.

3 **SEC. 8. WITHDRAWAL.**

4 Subject to valid existing rights, all Federal lands  
5 within the archaeological protection sites are hereby  
6 withdrawn—

7 (1) from all forms of entry, appropriation, or  
8 disposal under the public land laws and all amend-  
9 ments thereto;

10 (2) from location, entry, and patent under the  
11 mining law and all amendments thereto; and

12 (3) from disposition under all laws relating to  
13 mineral and geothermal leasing, and all amendments  
14 thereto.

15 **SEC. 9. SAVINGS PROVISIONS.**

16 Nothing in this Act shall be construed—

17 (1) to authorize the regulation of privately  
18 owned lands within an area designated as an archae-  
19 ological protection site;

20 (2) to modify, enlarge, or diminish any author-  
21 ity of Federal, State, or local governments to regu-  
22 late any use of privately owned lands;

23 (3) to modify, enlarge, or diminish any author-  
24 ity of Federal, State, tribal, or local governments to

1       manage or regulate any use of land as provided for  
2       by law or regulation; or

3               (4) to restrict or limit a tribe from protecting  
4       cultural or religious sites on tribal lands.

5   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6       There is authorized to be appropriated such sums as  
7   may be necessary to carry out this Act.

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